IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 32968 of 2006(Y)

PETITIONER:

P. MOIDEEN, AGED 54 YEARS,
S/O. KUNJALIAR HAJI, PANCHILLY HOUSE,
P.O. KOTTAKKAL, MALAPPURAM DISTRICT.

BY ADV. SMT.DAISY THAMPI

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 32968 OF 2006

Dated this the 12th day of December, 2006

J U D G M E N T

The petitioner has made an application, Exhibit P3 before the Secretary, Regional Transport Authority, Malappuram seeking for some changes in the timings. The petitioner was the first respondent in writ appeal No.459/05 which is disposed of by a Division Bench of this court by Exhibit P2 judgment on 31st May 2005.

2. Referring to the contention raised by the petitioner's counsel, it is observed in paragraph 9 that it will be for the first respondent (petitioner herein) to make application for variation of the conditions of permit, including timings and if such an application is made, appropriate orders will be passed by the competent authority. Petitioner has also made a reference to the judgment in Exhibit P3, to the Secretary. Even though RTA, Malappuram may not be a party in the writ appeal judgment, but still when this court had directed to submit an application before the appropriate authority and if he is the appropriate authority he is expected to dispose of the same in accordance with law. At

any rate, since it was not considered and disposed of, the petitioner has approached this court for appropriate direction to be issued in this behalf.

3. Learned Government Pleader appearing on behalf of the respondent submitted that the Secretary, RTA was not a party and does not know whether by this time he would have already disposed of Exhibit P3.

4. Having heard both sides, there will be a direction to the Secretary, RTA, Malappuram to consider and dispose of Exhibit P3 expeditiously, if not already disposed of, by the time this judgment is served on him. Petitioner shall produce a copy of this judgment along with a copy of this writ petition before the Secretary, RTA for compliance.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE

Rp